

TO: THE HONORABLE JUDGE SEAN J. McLAUGHLIN
CRO5-4E

SIR: My NAME IS EUGENE GAVIN, and I am writing you in hopes that you can somehow either help me with a problem I have or notify me as to who can and how. I am scheduled for a sentencing in front of you on Nov. 18th 2005 at 10am. For at least the last 2 mos. I have desperately been trying to contact my lawyer Atty: Daniel J. BRABENDER by numerous letters and phone calls concerning my case. There are numerous reasons that I need to speak to him which he knows about because I have notified him of these issues repeatedly. One of the most important issues being that On August 18 2005 I appeared in your court room for a change of plea hearing in which I was advised to plead guilty by Mr. BRABENDER to the offense of Conspiracy to Possess with Intent to Distribute 5 or more Grams of a mixture and substance containing a detectable amount of Cocaine Base under the assumption that I was pleading to a specified amount of 7 Grams, no more, no less. At this time I explained to my Atty: that this is what I sold and that this was all that I was willing to plead to. He told me that that is what I was pleading to and that the specific amount would be specified at the time of my Pre Sentence Investigation. In the early Month of September I was

INTERVIEWED BY MR. LAWRENCE U.S. PROBATION OFFICERS IN THE PRESENCE OF MY ATTY. THESE ISSUES WERE NOT DEALT WITH AT THIS TIME NOR HAVE THEY BEEN DEALT WITH AS OF YET. ALSO VARIOUS OTHER ISSUES IN MY PRESENTENCE INVESTIGATION ARE INCORRECT. INSTEAD OF PLEADING GUILTY TO THE 7 GRAMS I HAVE BEEN COERGED INTO PLEADING GUILTY TO 31.89 GRAMS WHICH SETS MY BASE OFFENSE LEVEL OF 28 WHICH IN TURN HAS ME FACING 100-125 MOS. WHICH IS WAY OUT OF RANGE FOR THE 7 GRAMS I DID (OR I ASSUMED I DID) PLEA TO. I'VE WRITTEN MR. BRABENDER ONCE BEFORE AS WELL AS TWICE AFTER I RECEIVED MY PRESENTENCE REPORT BUT TO NO AVAIL. SIR, I HAVE NO PROBLEM ADMITTING TO WHAT I DID WRONG AND I ACCEPT MY RESPONSIBILITY FOR THIS WRONG AS WELL AS ALL THE OTHER WRONGS IN MY LIFE, BUT I DO NOT, NOR CAN I ACCEPT RESPONSIBILITY FOR SOMETHING I DID NOT DO. I AM DESPERATELY TRYING TO GET MY LIFE TOGETHER AND RIGHT ALL MY WRONGS AS WELL AS CHANGE MY LIFE FOR THE BETTER FOR MY CHILDREN AND FAMILY. THIS WOULD NOT ONLY HAMPER THAT IMMENSELY BUT IT WOULD CAUSE A GREAT DEAL OF RESENTMENT FOR THE SYSTEM AND I AM NOT TRYING TO RESENT OVER ANYTHING THAT I DID. I JUST WANT TO APOLOGIZE TO THOSE NECESSARY TO APOLOGIZE TO, PAY MY DEBT TO SOCIETY AS WELL AS THE U.S. AND GET HELP AND GET ON WITH MY LIFE. YOUR HONOR, I WOULD GREATLY APPRECIATE IT IF YOU CAN EITHER POSTPONE THE SENTENCING LONG ENOUGH FOR THE COURTS TO ASSIGN ME ANOTHER ATTY. AND HIM TO FAMILIARIZE HIS SELF WITH

my CASE OR GIVE my family an ADEQUATE TIME TO HIRE me A LAWYER TO HELP me PROPERLY. I REALIZE YOUR HONOR, I COMMITTED A CRIME AND JUSTICE SHOULD BE SERVED AND THAT'S ALL I'M ASKING, THAT JUSTICE BE SERVED CORRECTLY AND IN FAIRNESS. I COMMITTED THIS CONSPIRACY OFFENSE AND AM READY TO TAKE RESPONSIBILITY FOR THAT OFFENSE BUT ONLY WHAT WAS INVOLVED. NO MORE AND BY NO MEANS NO LESS. IF MY REPRESENTATION WAS ADEQUATE I WOULD FEEL MORE SECURE IN KNOWING my CASE WOULD BE DEALT WITH ACCORDINGLY YOUR HONOR, IF YOU COULD PLEASE HELP me WITH THIS PROBLEM IT WOULD BE GREATLY APPRECIATED. IF NOT COULD YOU PLEASE INFORM me AS TO WHO CAN HELP me OR INFORM me OF HOW I CAN GO ABOUT RETRACTING my PLEA BECAUSE I CANNOT PLEAD GUILTY TO SOMETHING THAT I DIDN'T DO ESPECIALLY WHEN IT THREATENS TO TAKE AWAY SUCH A SUBSTANTIAL ~~RE~~ PORTION OF my life. IF YOU COULD PLEASE CONTACT me AT THE ERIE COUNTY PRISON: 1618 ASH ST. ERIE PA 16503 AS SOON AS POSSIBLE I WOULD BE VERY ~~PLEASED~~ GRATEFUL. THANK YOU FOR YOUR TIME, AND CONCERN.

Sincerely
EUGENE GAVIN
Eugene Gavin